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|-----------------|-------------|----------------------|------------------------------|------------------|
| 09/812,235      | 03/19/2001  | William S. Hurst     | CRTS-5681 (1417A P<br>574)/1 | 9437             |

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EXAMINER

CHAN, KO HUNG

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 07/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/812,235

Applicant(s)

HURST ET AL.

Examiner

Korie H. Chan

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 12 and 18-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12 and 18-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 14.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a) because they fail to show how or by what means the pulley 180 is mounted to the cross rail 178 or how and by what means the pulley 182 is mounted to the box as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 12 and 18-48 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the

invention. It is not clear how or by what means the pulley 180 is mounted to the cross rail 178 or how and by what means the pulley 182 is mounted to the box.

***Claim Rejections - 35 USC § 102***

Claims 12, 22, 37, 46, and 47 are rejected under 35 U.S.C. 102(b) as being anticipated by Becker (US Pat. No. 4,381,039). Becker discloses hanger system comprising a box (10, fig. 1), flexible bag (12), hanger (48, fig. 2) with connection member (46, fig. 2) connect to flexible bag and counterweight (30).

***Claim Rejections - 35 USC § 103***

Claims 20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Becker (US Pat. No. 4,381,039) in view of Moliterni (US Pat. No. 4,235,196). Becker discloses all the claimed features of applicant's invention except for that there are a plural connect locations on the bag to connect to hanger and the hanger is of elastic member. Becker shows the hanger is a chain. To suspend articles via chains or elastic members which is better known as cables is old and well-known in the art. Moliterni teaches in a hanger system of using a chain or cable (equivalent elastic member, col. 2, line 19). To modify Becker's chain with an elastic member such as a cable as taught by Moliterni would have been obvious to one of ordinary skill in the art. Such modification would have involved a mere substitution of one well-known hanger for another which is well within the ambit of one of ordinary skill in the art. Further, Moliterni also teaches providing plural connect locations on top of a container (where 49 connects to container 86, fig. 2) for connection to the hanger (49). Although, Moliterni

does not disclose specifically the advantages of having such hanger system, such hanger radial arm and connect location arrangement is known to provide stability in suspending the art. It would have been obvious to one of ordinary skill in the art to modify the hanger of Becker such that there are plural connect locations on the top the container for receiving the hangers as taught by Moliterni as stability.

Claims 18, 19, 24-26, 28-30, 34, 35, 41, 42, 44, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki et al (US Pat. No. 5,788,121) in view of Dow (US Pat. No. 4,338,979). Sasaki discloses a flexible container (102, fig. 4) having holes (14) to accept a hanger (or machine hand, col. 16, lines 16-20) at a location away from the upper corners (R), wherein the flexible container is disposed in a rigid box wherein the box and flexible container are of rectangular or square cross-section. However, Sasaki does not disclose that the flexible container has a greater volume or greater horizontal perimeter than the box. Dow teaches placing a flexible bag (12) of greater volume and size than the outer rigid box (16) within the box. Even though Dow does not disclose the specific reasons for having a larger bag, it is known that having a smaller flexible bag within the rigid box would stress the flexible bag as articles are placed into the bag within the container. It would have been obvious to one of ordinary skill in the art to place Sasaki's flexible bag within a box of smaller volume or size as taught by Dow to reduce stress to the bag. Further, it would have been an obvious matter of design choice to make the flexible container volume of at least 200 liters or have the perimeter of the flexible container to be 2%-10% larger than the perimeter of the box.

Claims 27, 32, 33, 39, 40, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki et al (US Pat. No. 5,788,121) in view of Dow (US Pat. No. 4,338,979) as applied to claims 18 and 29 above, and further in view of European patent publication (0461874A2) to Farrell et al. Sasaki and Dow combined disclosed all the claimed features of applicant's invention except for providing counterweight and supporting the flexible container at the corners of the box. Farrell teaches using a cable 22 at the corners of a box (10) to support corners of a flexible bag (6) supported within the box and having a counter weight (12) to provide a variable upward force. It would have been obvious to one of ordinary skill in the art to modify the bag in the box structure of Sasaki and Dow combined by providing counterweight and cable hangers as demonstrated by Farrell to suspend Sasaki' flexible container within the box of Sasaki and Dow combined.

The prior art of record does not show the subject matter of claims 21, 31, 36, and 38 having particularly a flexible container having a diagonal seam connect to the hanger or means of upwardly biasing at 35% or 65% of the length of the seam from the corner. However, due to the ambiguity of the workings of the hanger system as discussed above, the allowability of claims 21, 32, 36, and 38 is not indicated at this time.

### ***Response to Arguments***

Applicant's arguments with respect to claims 12 and 18-48 have been considered but are moot in view of the new ground(s) of rejection.


### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 703-305-8079. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on 703-308-2156. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

  
Korie H. Chan  
Primary Examiner  
Art Unit 3632

khc  
July 9, 2003